

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE  
REGULAR SESSION, 2024  
THIRTY-SIXTH DAY

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Charleston, West Virginia, Wednesday, February 14, 2024

The Senate met at 11:10 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Very Reverend Donald X. Higgs, Basilica of the Co-Cathedral of the Sacred Heart, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Tuesday, February 13, 2024,

At the request of Senator Chapman, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Stefanie Davis, fiancée of the Honorable Michael J. Maroney, a senator from the second district; Dr. Ali Bowman; and Randall Reid-Smith, Curator of the Department of Arts, Culture, and History, privileges of the floor for the day.

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 171**, Prohibiting county commissions from adopting authorization that exceeds state law regarding agriculture operations.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 354**, Relating to the WV Advanced Energy and Economic Corridor Authority.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, section 5B-11-1, line 3 by striking the word "and" after "Mingo", and then inserting the words "and Wyoming" after the word "Wayne."

Then, on Page 2, striking the entirety of section 5B-11-2, beginning at line 1, and inserting the following as a new section 5B-11-2 in lieu thereof:

(a) The Advanced Energy and Economic Corridor Authority (authority) is hereby created as an independent body corporate. It shall consist of the following 15 members who are involved in economic, commercial, or industrial development in the geographic region of the authority:

(1) A representative of the economic development agency of McDowell County;

(2) A representative of the economic development agency of Mercer County;

(3) A representative of the economic development agency of Mingo County;

(4) A representative of the economic development agency of Wayne County;

(5) A representative of the economic development agency of Wyoming County;

(6) A representative of the Region 1 Planning and Development Council;

(7) A representative of the Region 2 Planning and Development Council; and

(8) The following seven members appointed by the Governor, or his or her designee:

(A) A representative from businesses and industries located in the state;

(B) An economic development representative from a utility company that provides service to the corridor region;

(C) Four private sector representatives from the technology, energy, advanced manufacturing, and aviation, aerospace or advanced air mobility sectors in the corridor region; and

(D) Two at-large members from regions and counties along the corridor who have knowledge and experience in local issues, economic development, and other areas of expertise.

(b) Each member shall serve a term of five years. Members may be reappointed to additional terms and, upon expiration of their respective terms, shall continue to serve until their successor has been appointed. The chair, vice-chair, and officers shall be selected annually by majority vote of the members. The chair shall schedule meetings and set the agenda for each meeting.

(c) A majority of members, in person or by real-time electronic communication, constitutes a quorum to conduct business at a meeting.

(d) If a member of the authority must recuse himself or herself because of a perceived or actual conflict of interest, a majority of the remaining members of the authority without a conflict shall be sufficient for the conduct of authority business.

(e) Members are not entitled to compensation for services performed as members.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 354, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 354) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended with its Senate amended title, to take effect from passage, of

**Eng. House Bill 4594**, Relating to extending managed care.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4782**—A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to limitations upon municipalities' power to restrict the sale and storage of weapons; declaring ordinances which restrict or prohibit certain sales of firearms, firearms accessories or components, and other lawful personal defense tools or products as void; restricting a municipality from using its planning or zoning powers solely to prohibit the sale of firearms, firearms accessories or components, or lawful personal defense tools or products other than firearms within a prescribed distance of any other type of commercial property or of school property or other educational property; providing remedies for violations; and clarifying that the amendment to the section shall be known as the Second Amendment Business Protection Act.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4786**—A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated §33-63-1, §33-63-2, §33-63-3, §33-63-4, §33-63-5, and §33-63-6, all relating to the Delivery Network Company Insurance Act; providing for definitions; defining interaction with other laws; providing for insurance requirements; providing for disclosures to Delivery Network Drivers; providing for exclusions in motor vehicle liability insurance policies; and creating an effective date.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4986**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-19e, relating to providing computer science and cybersecurity instruction for adult learners.

Referred to the Committee on Education; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

**Eng. Com. Sub. for House Bill 5045**, Related to the administration of the West Virginia Water Pollution Control Act, and Underground Carbon Dioxide Sequestration and Storage.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5161**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31D-1-132, relating to creating a digital wallet to collect and organize learning and employment records, certifications, and licensures on the Secretary of State's one-stop business portal; defining responsibilities for maintenance; and defining what types of information can be stored in the digital wallet.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5252**—A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating generally to service personnel class titles and definitions; providing minimum experience required for director or coordinator of services class title involving school transportation; and removing outdated class title and terms.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2024, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5261**—A Bill to amend and reenact §11-15-9u of the Code of West Virginia, 1931, as amended, relating to the definition of small arms for purposes of taxation; defining terms, and expanding definition of "small arms" to include receiver or frame as part of the small arm.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5267**—A Bill to amend and reenact §7-14D-13, §7-14D-18, §7-14D-19, and §7-14D-24a of the Code of West Virginia, 1931, as amended, all relating to the Deputy Sheriff Retirement System; providing payment upon death of member with less than 10 years of contributory service; providing surviving spouse benefits when member dies from duty or non-duty related cause; and providing age calculation for a member who elected early retirement who then returned to work.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5268**—A Bill to amend and reenact §22-6A-4, §22-6A-5 and §22-6A-6 of the Code of West Virginia, 1931, as amended, all relating to the enhanced recovery of oil and natural gas in horizontal wells; providing definitions; providing certain methods of enhanced recovery to be part of horizontal drilling and horizontal wells; incorporating provisions related to the permitting of wells for certain purposes; and providing the authority of the secretary over enhanced recovery of oil and natural gas.

Referred to the Committee on Energy, Industry, and Mining.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5273**—A Bill to amend and reenact §16-5V-18, §16-5V-23, §16-5V-24 and §16-5V-35 of the Code of West Virginia, 1931, as amended, all relating to the Emergency Medical Services Retirement System; providing payment upon death of member with less than 10 years of contributory service; providing surviving spouse benefits when member dies from duty or non-duty related cause; and providing age calculation for a member who elected early retirement who then returned to work.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5286**—A Bill to amend and reenact §16-2D-17 of the Code of West Virginia, 1931, as amended, relating to eliminating the ability to sub-contract in the certificate of need process.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5287**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-1-71; and to amend and reenact §17C-14-9a of said code; all relating to traffic safety; creating a definition for the phrase maintenance vehicle; and listing additional categories of vehicles for which motorists shall slow down and, if possible, move over.

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5295**—A Bill to amend and reenact §8-12-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-2a, §60-7-8a, and §60-7-8g of said code, all relating to expressly authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders; providing that private outdoor designated areas may simultaneously host multiple qualified permit holders; providing that the dual licensing of private fairs and festivals simultaneous to other qualified permit holders is permissible; defining a term; providing that any Class A, Class B, or Class S2 license holder that has received a Class S4 license can operate as a qualified permit holder within a private outdoor designated area; providing that qualified permit holders within a private outdoor designated area do not share liability or responsibility; removing a provision requiring qualified permit holders to execute an agreement stating that all qualified permit holders are jointly and severally liable for any improper acts or conduct; providing that the holder of a Class A, Class B, or Class S2 license is eligible to be a qualified permit holder subject to the private outdoor designated area hours of operation and not to private club hours of operation; providing that the holder of a Class A, Class B, or Class S2 license is eligible to be a qualified permit holder without meeting and being subject to all private club license type requirements; providing that the commissioner shall enforce certain code violations by qualified permit holders against their permit and their Class A, Class B, or Class S2 license.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5343**—A Bill to amend and reenact §30-20-4 of the Code of West Virginia, 1931, as amended, relating to adding an athletic trainer to the Board of Physical Therapy.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 24**—Requesting a study of the school aid formula and how school aid funds are currently distributed.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 71**—Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 292**, Hunger-Free Campus Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 292** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-22-1, §18B-22-2, §18B-22-3, and §18B-22-4, all relating to creating the Hunger-Free Campus Act; providing for a short title; establishing the Hunger-Free Grant Program; providing for a legislative purpose; providing qualifications for a campus to be designated as hunger-free campus; requiring, subject to the availability of funding, Chancellor of the Higher Education Policy Commission to allocate grant funding to each institution designated as a hunger-free campus; and requiring a report to the Governor and Legislature no later than two years after the establishment of the program.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 395**, Relating to valuation of industrial property and natural resources by Tax Commissioner.

**Com. Sub. for Senate Bill 444**, Relating to health insurance coverage for certain emergency services.

And,

**Com. Sub. for Senate Bill 669**, Relating to county economic opportunity development districts.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, Committee Substitute for Senate Bills 444 and 669 contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 493**, Relating to use of criminal records as disqualification from authorization to practice particular profession.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 493** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17A-6-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-2C-5b of said code; to amend and reenact §19-23-8 of said code; to amend and reenact §21-1-6 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-14-6 of said code; to amend and reenact §21-16-7 of said code; to amend and reenact §29-3B-4 of said code; to amend and reenact §29-3C-4 of said code; to amend and reenact §29-3D-6 of said code; to amend and reenact §30-1-24 of said code; to amend and reenact §30-5-9 and §30-5-11a of said code; to amend and reenact §30-6-8 and §30-6-17 of said code; to amend and reenact §30-20-8a of said code; to amend and reenact §30-32-10a of said code; to amend and reenact §30-32-10a of said code; to amend and reenact §30-36-10 of said code; to amend and reenact §31-17A-5 of said code; to amend and reenact §32A-2-8 of said code; and to amend and reenact §33-13C-3 and §33-13C-4 of said code, all relating generally to the use of criminal records as disqualification from initial licensure or other authorization to practice a profession or occupation; prohibiting licensing authorities from disqualifying an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that directly and specifically relates to the activity requiring licensure such that granting the applicant licensure would pose a direct and substantial risk to the public because the applicant has not been rehabilitated; providing factors for a licensing authority to determine whether a criminal conviction directly and specifically relates to a profession or occupation; clarifying that a licensing authority may not disqualify an applicant from initial licensure because of a prior criminal conviction if certain criteria are met; prohibiting consideration of good moral character or crimes of moral turpitude as a basis for disqualifying applicant for initial licensure; authorizing an



individual with a criminal record who has not previously held a license from the licensing authority to petition the authority for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license; clarifying that these requirements do not apply to discipline of licensees or reinstatement of a license following discipline; prohibiting a licensing authority from considering or from requiring an individual to disclose an arrest not followed by conviction in an application for initial licensure or determination of qualification for license; and requiring licensing authorities to update licensure forms, relevant public-facing documents, and website.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 493) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 515**, Prohibiting public schools from requiring students to participate in sexual orientation instruction.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration:

**Senate Bill 562**, Expanding employment and training requirements necessary for SNAP benefits.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 562** (originating in the Committee on the Workforce)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §9-8-2a and §9-8-2b, relating to expanding the current mandatory employment and training requirements necessary to receive Supplemental Nutrition Assistance Program benefits;

defining and developing exemptions; clarifying the secretary's duties when there is a lack of funding or inability to provide employment and training; and identifying when assignments to the employment and training program may not be suspended; relating to evaluating the current voluntary employment and training program requirements necessary to receive Supplemental Nutrition Assistance Program benefits; requiring the department to define and develop reporting systems; and reporting on and measuring expectations of the employment and training program.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Rollan A. Roberts,  
*Chair.*

At the request of Senator Roberts, unanimous consent being granted, the bill (Com. Sub. for S. B. 562) contained in the foregoing report from the Committee on the Workforce was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 602**, Cardiac Emergency Response Plan Act.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Education.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

At the request of Senator Grady, as chair of the Committee on Education, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Health and Human Resources.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 610**, Clarifying authority of Water Development Authority in certain circumstances.

**Senate Bill 635**, Modifying rules regarding liquidation of property.

And,

**Senate Bill 687**, Clarifying Legislative Auditor's scope of authority.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (S. B. 610, 635, and 687) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 615**, Limiting statutory and common law actions for certain electric generating facilities.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 615) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 631**, Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 631** (originating in the Committee on Government Organization)—A Bill to amend and reenact §16-13-16 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-13A-9 of said code; and to amend and reenact §24-3-10 of said code, all relating to prohibiting utilities from shutting off a user's water service for nonpayment of stormwater fees; prohibiting municipal utilities from discontinuing water service to user delinquent in stormwater services fees and charges but allowing lien on premises served; prohibiting public service districts from discontinuing water service to user delinquent in stormwater service fees and charges but imposing lien on premises served; and prohibiting privately or publicly owned utility from discontinuing water service, or contracting with other utilities to discontinue water service, for delinquency in stormwater services fees and charges but allowing lien on premises served.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 631) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 668**, Increasing amount of certain controlled substances persons may purchase annually.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 668** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §60A-10-4 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of ephedrine, pseudoephedrine, or phenylpropranolamine a person may purchase annually.

And,

**Senate Bill 714**, Transferring duties and licensing from Board of Osteopathic Medicine to Board of Medicine.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 714** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-1D-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3-1, §30-3-2, §30-3-4, §30-3-5, §30-3-6, §30-3-7, §30-3-8, §30-3-9, §30-3-10, §30-3-11, §30-3-11a, §30-3-12, §30-3-13, §30-3-13a, §30-3-15, §30-3-16, §30-3-17, and §30-3-18 of said code; to amend said code by adding thereto three new sections, designated §30-3-10b, §30-3-21, and §30-3-22; to repeal §30-3-7a, §30-3-11b, and §30-3-11c, of said code; to amend said code by adding thereto a new article, designated §30-3G-1, §30-3G-2, §30-3G-3, §30-3G-4, §30-3G-5, §30-3G-6, §30-3G-7, §30-3G-8, §30-3G-9, §30-3G-10, §30-3G-11, and §30-3G-12; to amend and reenact §30-14-3 of said code; and to amend said code by adding thereto two new sections, designated §30-14-18 and §30-14-19; all relating to the licensing of physicians and the transition of the duties and functions of the West Virginia Board of Osteopathic Medicine to the West Virginia Board of Medicine effective January 1, 2025; providing for rulemaking; and expanding board authority to regulate genetic counselors.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 668 and 714) contained in the preceding report from the Committee on Health and Human Resources were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 732**, Requiring cooperation between law-enforcement agencies and military authorities.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 732) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Eng. House Bill 4292**, Providing for enhanced damages for non-payment of royalties due from oil, natural gas, or natural gas liquids production.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Randy E. Smith,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Energy, Industry, and Mining pending.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. Com. Sub. for House Bill 4756**, Creating a state Alzheimer's plan task force.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. House Bill 4832**, Relating to state superintendent's reports regarding the finances of school districts.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Eng. House Bill 5006**, Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Randy E. Smith,  
*Chair.*

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced and read by their titles:

**By Senator Weld:**

**Senate Bill 775**—A Bill to amend and reenact §36-3-5 of the Code of West Virginia, 1931, as amended, relating to modifying the form of deeds.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 776**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-7; and to amend and reenact §16-9G-1 of said code, all relating to a Medicaid state plan amendment; providing that the Bureau for Medical Services shall seek a state plan amendment; providing that the state plan amendment provide for cost sharing and/or premiums for certain populations; allowing that the state plan amendment may provide for a demonstration project; and providing for an effective date.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 777**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-17-1, §61-17-2, §61-17-3, §61-17-4, §61-17-5, §61-17-6, §61-17-7, §61-17-8, and §61-17-9, all relating to prohibitions on the illegal entry into, or illegal presence in, this state by a person who is an alien; providing for enforcement of prohibitions and certain related orders, including immunity from liability and indemnification for enforcement actions; authorizing, or requiring under certain circumstances, the removal of persons who violate those prohibitions; and creating criminal offenses.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 778**—A Bill to amend and reenact §61-11-18 of the Code of West Virginia, 1931, as amended, relating to qualifying offenses for the purpose of enhancing the sentence of a repeat offender.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 779**—A Bill to amend and reenact §61-12-10 of the Code of West Virginia, 1931, as amended, relating to postmortem examinations.

Referred to the Committee on Health and Human Resources.

**By Senator Weld:**

**Senate Bill 780**—A Bill to amend and reenact §61-8D-1, §61-8D-2, §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4, and §61-8D-4a of the Code of West Virginia, 1931, as amended, all relating to murder of a child; death of a child; child abuse resulting in injury; child abuse creating risk of injury; female genital mutilation; child neglect resulting in injury; child neglect creating risk of injury; and child neglect resulting in death.

Referred to the Committee on the Judiciary.

**By Senators Swope and Jeffries:**

**Senate Bill 781**—A Bill to amend and reenact §5B-2-14 of the Code of West Virginia, 1931, as amended, relating to increasing local economic development matching grants.

Referred to the Committee on Economic Development.

**By Senators Swope and Jeffries:**

**Senate Bill 782**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8A-13-1, §8A-13-2, §8A-13-3, and §8A-13-4, all relating to local permitting deadlines and extensions for applications for a permit, license, variance, or any other type of prior approval from a governing body or planning commission of a municipality or county for an action related to the development or improvement of property.

Referred to the Committee on Economic Development.

**By Senators Jeffries and Swope:**

**Senate Bill 783**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-9H-1, §18-9H-2, §18-9H-3, §18-9H-4, §18-9H-5, §18-9H-6, §18-9H-7, §18-9H-8, §18-9H-9, §18-9H-10, §18-9H-11, §18-9H-12, §18-9H-13, and §18-9H-14, all relating to enacting the West Virginia School Construction Alternatives Pilot Program Act; defining terms; authorizing county boards to engage in construction management at risk contracts in accordance with the delivery system provided herein; providing definitions; requiring county boards to adopt policies and procedures before entering into a construction management at risk contract; requiring county boards that request to utilize the construction management at risk delivery method to provide notice to the authority during the regular needs cycle process; requiring county boards to issue letters of interest for proposals; establishing the criteria a request for proposal must contain; providing standards and criteria for the evaluation of proposals; requiring county boards to create a proposal selection committee; establishing the required members of a proposal selection committee; providing evaluation criteria and weight the proposal selection committee must give to aspects of proposals; authorizing county boards to amend contracts after acceptance; limiting the number of construction management at risk contracts which may be entered into by county boards; providing certain exceptions for special maintenance projects; and providing for a sunset date.

Referred to the Committee on Education.

**By Senators Stuart and Hunt:**

**Senate Bill 784**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-1-9a, relating to authorizing the West Virginia Department of Homeland Security to assist with border security in the state of Texas.

Referred to the Committee on Finance.

**By Senators Rucker, Chapman, Deeds, Grady, and Takubo:**

**Senate Bill 785**—A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to adding the Foster Care Ombudsman as a person to have access to records concerning a child or juvenile.

Referred to the Committee on Health and Human Resources.

**By Senator Rucker:**

**Senate Bill 786**—A Bill to amend and reenact §30-37-13 of the Code of West Virginia, 1931, as amended; and by amending said code adding thereto a new section, designated §30-37-14, all relating to massage therapy establishments; modifying implementation dates; establishing reasonable cause for inspection; providing authority for the board to issue emergency orders halting operations for violations of establishment regulations; describing posting of emergency



orders; requiring summary and written notice; proscribing prohibitions of sanctioned establishments; and providing penalties for certain violations.

Referred to the Committee on the Judiciary.

**By Senators Hunt, Chapman, Stuart, and Woelfel:**

**Senate Bill 787**—A Bill to amend and reenact §16-29-2 of the Code of West Virginia, 1931, as amended, relating to establishing a limit for fees charged for medical records.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 788**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-32, relating to prioritizing providing medical services to West Virginia Medicaid beneficiaries within West Virginia.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 789**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34, relating to Medicaid; adding requirement that Medicaid submit certain waivers and plan amendments over \$3 million through the legislative rulemaking process; and requiring Medicaid to study and provide reports to the Legislature regarding the costs of the program and recommendations to contain costs.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 790**—A Bill to amend and reenact §29-1-1 of the Code of West Virginia, 1931, as amended, relating to changing reference from the Curator of the Department of Arts, Culture, and History to the Secretary of the Department of Arts, Culture, and History.

At the request of Senator Phillips, unanimous consent being granted, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Phillips, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Senate Bill 790 was then read a third time and put upon its passage.

Pending discussion,

(Senator Weld in the Chair.)

Pending discussion,

(Senator Blair, Mr. President, in the Chair.)

The question being "Shall Engrossed Senate Bill 790 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 790) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 790) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Takubo, Plymale, Smith, Woelfel, Trump, Maroney, Grady, Phillips, Woodrum, and Blair (Mr. President) as to the passage of Engrossed Senate Bill 790 were ordered printed in the Appendix to the Journal.

**By Senator Tarr:**

**Senate Bill 791**—A Bill to amend and reenact §9-4-3 of the Code of West Virginia, 1931, as amended, relating to modifying the membership requirements of the Medical Services Fund Advisory Council; augmenting its purpose; requiring that it employ an actuary; requiring certain actions from the Commissioner for the Bureau for Medical Services; and addressing the six-year plan to mitigate long-term financial liabilities.

Referred to the Committee on Finance.

**By Senator Chapman:**

**Senate Bill 792**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-14, relating to Medicaid coverage for postpartum health care.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Maroney:**

**Senate Bill 793**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34, relating to requiring contract terms for managed care contracts with the Bureau for Medical Services; requiring a single Dental Contractor for benefit management; describing contract changes; and setting an effective date.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

Senator Stuart offered the following resolution:

**Senate Concurrent Resolution 28**—Directing the Secretary of State remove President Joseph R. Biden, Jr. from the primary and general election ballot in this state as an eligible candidate for the office of President of the United States in 2024.

Which, under the rules, lies over one day.

Senator Jeffries offered the following resolution:

**Senate Resolution 38**—Recognizing the value of, and supporting, small town and Main Street development in West Virginia.

Which, under the rules, lies over one day.

Senators Jeffries and Hunt offered the following resolution:

**Senate Resolution 39**—Designating February 15, 2024, as West Virginia State University Day at the Legislature.

Which, under the rules, lies over one day.

Senator Nelson offered the following resolution:

**Senate Resolution 40**—Designating February 15, 2024, as Angelman Syndrome Awareness Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Com. Sub. for Senate Concurrent Resolution 4**, U.S. Army 2LT Eston Kuhn Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Concurrent Resolution 21**, US Army MSG James E. Jackson Jr. Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Com. Sub. for Senate Concurrent Resolution 22**, USMC Major Cornelius Burdette Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Concurrent Resolution 23**, US Navy LT Lewis Joseph D'Antoni Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Concurrent Resolution 25**, US Army SGT Wyatt K. Hinton Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Com. Sub. for Senate Concurrent Resolution 26**, U.S. Army Private Clarence William "Buck" Holliday Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Resolution 36**, Recognizing February 14, 2024, as Child Care Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Tarr, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 37**, Designating February 14, 2024, as National Organ Donor Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Takubo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 37) adopted.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 352**, Modifying Unborn Child Protection Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 352 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: Caputo—1.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 352) passed.

On motion of Senator Maroney, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for Senate Bill 352**—A Bill to amend and reenact §16-2R-3 and §16-2R-8 of the Code of West Virginia, 1931, as amended, all relating to requiring informed consent prior to performing an abortion; setting forth standards required for informed consent; requiring patient to be informed of medical risks; requiring patient to be informed of medical risks of carrying child to term; requiring patient to be informed of ability to view and ultrasound; requiring patient to be informed of the probable gestational age; requiring patient to be informed that perinatal hospice services are available; requiring patient to be informed of risks associated with chemical abortion; requiring the Department of Health to place certain information on its website; and making technical changes.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 370**, Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 370) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 370) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 530**, Removing requirement for counties to draft and adopt zoning ordinances.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 530) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 544**, Raising threshold for bid requirement of municipal public works projects.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Stuart—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 544) passed.

On motion of Senator Jeffries, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for Senate Bill 544**—A Bill to amend and reenact §8-16-1 and §8-16-5 of the Code of West Virginia, 1931, as amended, all relating to clarifying the definition of "municipal public works" or "works"; and raising the threshold from \$25,000 to \$50,000 for requirement of bids for municipal public works projects.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 551**, Modifying requirements related to levy of service fees.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 551 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 551) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 620**, Establishing WV Mothers and Babies Pregnancy Support Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Caputo—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 620) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 628**, Declaring certain claims as moral obligations of the state.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.



Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 628) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 628) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 629**, Requiring builders to follow State Building Code when local inspection and enforcement not provided.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 629) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 632**, Relating to Dangerousness Assessment Advisory Board multi-disciplinary study group.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 632) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 632) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 716**, Relating to child support.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 716) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 4976**, Providing the contact information of the Inspector General on the agencies and boards websites of the executive departments.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4976) passed.

At the request of Senator Woodrum, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the title of the bill was withdrawn.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. Com. Sub. for House Bill 5157**, Relating to contingent increase of tax rate on certain eligible acute care hospitals.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 5157 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5157) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5157) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Com. Sub. for Senate Bill 321**, Limiting municipalities' authority to restrict purchase and storage of weapons and ammunition.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was rereferred to the Committee on Rules.

**Com. Sub. for Senate Bill 608**, Relating to Emergency Medical Services Retirement System.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Senate Bill 609**, Deputy Sheriff Retirement System Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Senate Bill 613**, WV Residential Mortgage Lender, Broker and Servicer Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 622**, Changing time period of voting inactivity for removal from voter registration.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 623**, Requiring DMV to provide images of certain individuals to Secretary of State for voter identification purposes.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 624**, Cancelling voter registration records for individuals no longer WV residents.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. House Bill 5019**, Relating to surrender and return of license not required for disqualifying or downgrading a driver's license.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 375**, Health Care Sharing Ministries Freedom to Share Act.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Takubo and Phillips.

The Senate next proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia  
Charleston

LEE CASSIS  
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211  
1900 KANAWHA BLVD. EAST  
CHARLESTON, WV 25305-0800  
304-357-7800

February 14, 2024

The Honorable Jim Justice, II  
Governor, State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, have been examined and found truly enrolled:

**Com. Sub. for S. B. 318**, Modifying process of when parental rights are terminated;

**S. B. 428**, Establishing appeals from administrative rulings are to be filed with Intermediate Court of Appeals;

**And,**

**S. B. 543**, Relating to research and economic development agreements for state institutions of higher education.

These bills are presented to you on this day, February 14, 2024.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lee Cassis".

Lee Cassis  
Clerk of the Senate

C: The Honorable Stephen J. Harrison  
Clerk of the House of Delegates

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 13, 2024:

**Senate Bill 292:** Senator Plymale;

**Senate Bill 294:** Senator Plymale;

**Senate Bill 515:** Senators Maynard, Azinger, and Woodrum;

**Senate Bill 556:** Senator Woelfel;

**Senate Bill 687:** Senator Barrett;

**Senate Bill 693:** Senator Phillips;

**Senate Bill 728:** Senator Nelson;

**Senate Bill 736:** Senator Woelfel;

**Senate Bill 741:** Senator Stuart;

**Senate Bill 763:** Senator Deeds;

**Senate Bill 764:** Senator Deeds;

**Senate Bill 765:** Senators Deeds, Plymale, and Woelfel;

**Senate Bill 768:** Senators Woelfel and Deeds;

**Senate Bill 771:** Senator Plymale;

**Senate Bill 772:** Senator Rucker;

**Senate Resolution 36:** Senators Rucker, Chapman, Caputo, and Plymale;

And,

**Senate Resolution 37:** Senators Caputo and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:44 p.m., the Senate adjourned until tomorrow, Thursday, February 15, 2024, at 11 a.m.

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## **SENATE CALENDAR**

**Thursday, February 15, 2024  
11:00 AM**

### **UNFINISHED BUSINESS**

- S. C. R. 28 - Directing Secretary of State to remove President Joseph R. Biden Jr. from primary and general election ballot
- S. R. 38 - Recognizing value and supporting Small Town and Main Street development
- S. R. 39 - Designating February 15, 2024, as WV State University Day
- S. R. 40 - Designating February 15, 2024, as Angelman Syndrome Awareness Day

### **THIRD READING**

- Eng. S. B. 613 - WV Residential Mortgage Lender, Broker and Servicer Act (original similar to HB5419)
- Eng. Com. Sub. for S. B. 622 - Changing time period of voting inactivity for removal from voter registration
- Eng. Com. Sub. for S. B. 623 - Requiring DMV to provide images of certain individuals to Secretary of State for voter identification purposes (original similar to SB592, SB676)
- Eng. Com. Sub. for S. B. 624 - Cancelling voter registration records for individuals no longer WV residents (original similar to SB674)
- Eng. H. B. 5019 - Relating to surrender and return of license not required for disqualifying or downgrading a driver's license

### **SECOND READING**

- Com. Sub. for S. B. 375 - Health Care Sharing Ministries Freedom to Share Act
- Com. Sub. for S. B. 444 - Relating to health insurance coverage for certain emergency services (original similar to HB4869)
- Com. Sub. for S. B. 493 - Relating to use of criminal records as disqualification from authorization to practice particular profession
- S. B. 610 - Clarifying authority of Water Development Authority in certain circumstances
- S. B. 615 - Limiting statutory and common law actions for certain electric generating facilities - (Com. title amend. pending)
- Com. Sub. for S. B. 631 - Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees
- S. B. 635 - Modifying rules regarding liquidation of property



Com. Sub. for S. B. 668 - Increasing amount of certain controlled substances persons may purchase annually

Com. Sub. for S. B. 669 - Relating to county economic opportunity development districts

S. B. 687 - Clarifying Legislative Auditor's scope of authority (original similar to HB5592)

Com. Sub. for S. B. 714 - Transferring duties and licensing from Board of Osteopathic Medicine to Board of Medicine

S. B. 732 - Requiring cooperation between law-enforcement agencies and military authorities

### **FIRST READING**

Com. Sub. for S. B. 292 - Hunger-Free Campus Act

S. B. 395 - Relating to valuation of industrial property and natural resources by Tax Commissioner

S. B. 602 - Cardiac Emergency Response Plan Act

Eng. Com. Sub. for H. B. 4756 - Creating a state Alzheimer's plan task force - (Com. amends. pending) (original similar to SB566)

Eng. Com. Sub. for H. B. 4782 - Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses.

Eng. H. B. 4832 - Relating to state superintendent's reports regarding the finances of school districts - (Com. amend. pending)

Eng. H. B. 5006 - Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan

Eng. H. B. 5261 - Relating to the definition of small arms for purposes of taxation

Eng. Com. Sub. for H. B. 5267 - Relating to the Deputy Sheriff Retirement System

Eng. Com. Sub. for H. B. 5273 - Relating to the Emergency Medical Services Retirement System and clarifying payment upon death of member with less than 10 years of contributory service

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2024**

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**Thursday, February 15, 2024**

10 a.m.	Education	(Room 451M)
10 a.m.	Government Organization	(Room 208W)